

**ORDINANCE 22-02**

**AN ORDINANCE TO AMEND THE TOWN OF MILLVILLE CODE AT CHAPTER 155,  
ENTITLED "ZONING."**

**WHEREAS**, the Town Council of Millville has the power to adopt ordinances in the interest of good government and the safety, health, and public welfare of the Town, its inhabitants, and affairs, including to provide for and preserve the health, peace, safety, cleanliness, ornament, good order and public welfare of the Town and its inhabitants; and

**WHEREAS**, the Town of Millville has adopted an Ordinance for the municipality regulating side yard setbacks, with the Town's ordinance codified in Chapter 155 of the Town Code; and

**WHEREAS** the Town Council may from time to time amend, supplement, or change the regulations and restrictions established by this Ordinance; and

**NOW, BE IT THEREFORE ORDAINED**, by the Town Council for the Town of Millville, Sussex County, Delaware, having duly met and a majority thereof concurring herein, that the following amendments are hereby adopted and incorporated into the Town of Millville Code at Chapter 155, entitled "Zoning":

Section 1. Amend § 155-17 with **additions shown in black bold and underlined** as follows:

§ 155-17. Appurtenances.

A. No part of a building shall be erected within or shall project into the front and rear yard setback areas except:

- (1) Cornices, eaves, gutters and chimneys projecting not more than 18 inches;
- (2) Bay windows not extending through more than one story and not projecting more than three feet;
- (3) One-story open porches, concrete patios, and decks, projecting not more than five feet;

[Amended 1-9-2018 by Ord. No. 18-04]

(4) Steps and balconies, projecting not more than five feet; and

(5) Paver patios may encroach no more than half the distance from the rear yard setback to the rear property line.

[Added 1-9-2018 by Ord. No. 18-04]

B. No part of a structure shall be erected within nor project into any side yard setback area, except:

[Amended 2-11-2020 by Ord. No. 20-08]

- (1) Cornices, eaves, gutters or chimneys projecting not more than 18 inches.

(2) One private walkway encroaching into the side yard setback along the side of a house but not be closer than two feet at any point to any property line.

**(3) Mechanical pads/brackets, no greater than 12 square feet, to hold mechanical equipment for the building's systems, together with the mechanical equipment itself.**

**(4) Steps to porches/patios consisting of no greater than three treads each measuring 10 inches in depth.**

C. Accessory structure and uses.

(1) Any accessory structure attached to a principal building shall be considered part of the principal building, and the total structure shall adhere to the yard setback requirements for the principal building, regardless of the technique of connecting the principal and accessory buildings.

(2) Accessory buildings which are not a part of the main building, and are not a detached accessory garage, may be constructed in a rear yard setback area, provided that such accessory building does not contain more than 400 square feet of area in the Residential District or 600 square feet of area in another permitted district, and provided that the accessory building shall be located at least five feet from a side lot line and at least five feet from a rear lot line.

[Amended 1-14-2014 by Ord. No. 14-02; 1-9-2018 by Ord. No. 18-04]

(3) Except as herein provided, no accessory building shall project beyond a required yard line along any street.

(4) Accessory uses may be conducted on any lot, provided the use complies with the provisions of this chapter.

(5) Height and area of accessory building. Accessory buildings shall not exceed one story or 18 feet in height and may not occupy more than 20% of the yard in which it is located or a maximum of 600 square feet, whichever is smaller, except that agricultural buildings are excluded from these requirements.

(6) Patios that are not part of a building may extend not more than five feet into the front and rear yard setback area.

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF MILLVILLE, SUSSEX COUNTY, DELAWARE, ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 2021.

SEAL:

\_\_\_\_\_  
MAYOR

ATTESTED:

\_\_\_\_\_  
SECRETARY

### **SYNOPSIS**

This ordinance revises the regulations regarding appurtenances. Specifically, it limits the size of mechanical pads/ brackets to 12 square feet to hold mechanical equipment, and steps to porches/patios to 3 treads, measuring 10 inches in depth each, in the side yard setbacks.

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